

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DIANA L. RIETH,)	
)	CASE NO. 1:16CV0574
Plaintiff,)	JUDGE BENITA Y. PEARSON
v.)	
NANCY A. BERRYHILL, ¹)	
ACTING COMMISSIONER OF)	
SOCIAL SECURITY)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER RE: VACATING</u>
Defendant.)	<u>COMMISSIONER'S DECISION</u>

An Administrative Law Judge (“ALJ”) denied Plaintiff Diana L. Rieth’s applications for Disability Insurance Benefits and Supplemental Security Income after a hearing in the above-captioned case. That decision became the final determination of the Commissioner of Social Security when the Appeals Council denied the request to review the ALJ’s decision. The claimant sought judicial review of the Commissioner’s decision, and this Court referred the case to Magistrate Judge James R. Knepp, II for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#). On April 12, 2016, the case was reassigned from Magistrate Judge Knepp to Magistrate Judge Thomas M. Parker pursuant to General Order 2016-5. On March 10, 2017, the magistrate judge submitted a Report and Recommendation ([ECF No. 14](#)) recommending that the Court vacate the Commissioner’s decision and remand the

¹ Carolyn W. Colvin was the original Defendant. She was sued in an official capacity as a public officer. On January 23, 2017, Nancy A. Berryhill became the Acting Commissioner of Social Security. Pursuant to [Fed. R. Civ. P. 25\(d\)](#), Berryhill’s name has been automatically substituted as a party.

(1:16CV0574)

case to the Commissioner.

Fed. R. Civ. P. 72(b)(2) provides that objections to a report and recommendation must be filed within 14 days after service. On March 24, 2017, the Commissioner filed a Response to Magistrate Judge's Report and Recommended Decision (ECF No. 15), which states that the Commissioner will not be filing objections. Furthermore, Plaintiff has not filed any objections, evidencing satisfaction with the magistrate judge's recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the magistrate judge is hereby adopted. The Court will vacate the decision of the Commissioner of Social Security and remand this case to the Commissioner for rehearing and a new decision.

IT IS SO ORDERED.

March 31, 2017
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge